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10 *Proposed Class*

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION  
14

15 In re  
16 CARRIER IQ, INC.,  
CONSUMER PRIVACY LITIGATION  
17

No. 12-md-2330-EMC

**DECLARATION OF DANIEL L.  
WARSHAW IN SUPPORT OF  
PLAINTIFFS' NOTICE OF MOTION  
AND MOTION FOR FINAL APPROVAL  
OF CLASS SETTLEMENT**

18 This Document Relates to:

19 ALL CASES  
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Date: July 28, 2016  
Time: 1:30 p.m.  
Crtrm.: 5, 17th Floor

1 Daniel L. Warshaw declares:

2 1. I am an attorney duly admitted to practice before this Court. I am a partner in the  
3 firm of Pearson, Simon & Warshaw, LLP, attorneys of record for Plaintiffs and the Proposed  
4 Class, and Co-Class Counsel along with Hagens Berman Sobol Shapiro LLP.

5 2. I am the attorney principally responsible for the handling of this matter on a day-to-  
6 day basis at my firm. I am personally familiar with the facts set forth in this declaration. If called  
7 as a witness I could and would competently testify to the matters stated herein.

8 3. Based upon class counsel's investigation and analysis, including as to information  
9 that the defendants produced to us in discovery and in connection with the parties' settlement, we  
10 have advised the Court that there are approximately 79 million class members. This figure is  
11 equal to the number of devices with the subject software installations. It is, therefore, a high-side  
12 estimate, as Kenneth Jue of Gilardi, the Settlement Administrator, explains in his declaration filed  
13 contemporaneously with this declaration. (*See* Declaration of Kenneth Jue on Behalf of  
14 Settlement Administrator, ¶ 6 (indicating that the number of Class Members is, statistically  
15 speaking, likely to be much lower, *i.e.*, approximately 30 million unique individuals.)

16 4. Subsequent to the Court's Order granting preliminary approval of the settlement,  
17 my firm's and Hagens Berman's websites included information regarding the case and links to the  
18 [www.carrieriqsettlement.com](http://www.carrieriqsettlement.com) webpage.

19 5. Pursuant to the terms of the Confidential Settlement Agreement entered into by and  
20 between the parties in this litigation, the four Requests for Exclusion received by the claims  
21 administrator are insufficient to trigger the Defendants' right to terminate the settlement.

22 6. To date, class counsel only received three objections to the settlement. Assuming  
23 there are 79 million class members, the objection rate equals 0.0000038%. Assuming that there  
24 are 30 million class members, the objection rate equals 0.00001%.

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